

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LORENZO HERNANDEZ,

Defendant.

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Case No. 3:16-cr-05031-1-MDH

ORDER

Before the Court is the United States Magistrate Judge's Report and Recommendation (Doc. 34) regarding Defendant's Motion to Suppress Evidence. (Doc. 20). Defendant seeks the suppression of evidence discovered, and statements made, following his seizure. He argues that he was unlawfully seized because the officer lacked reasonable suspicion to believe criminal activity was afoot. This unlawful seizure led to his arrest when the officer discovered that Defendant had warrants for his arrest. The officer performed a search incident to this arrest of Defendant's bag and found a loaded .25 caliber handgun.

On June 6, 2017, the Magistrate Judge held an evidentiary hearing to determine whether the search violated Defendant's rights under the Fourth Amendment. (Doc. 31). The Magistrate Judge submitted a Report and Recommendation to this Court recommending that Defendant's seizure, as well as all evidence and statements derived from that seizure, be suppressed. (Doc. 34).

The Court reviews the Magistrate Judge's Report and Recommendation *de novo*. *United States v. Azure*, 539 F.3d 904, 909 (8th Cir. 2008). The Court has reviewed the Report and Recommendation and the accompanying arguments (Docs. 20, 26, 30, 33, 34, 41, 46).

After reviewing the record, the Court agrees with the report and recommendation issued by the United States Magistrate Judge, and in accordance with such:

IT IS HEREBY ORDERED that the Report and Recommendation (Doc. 34) of the United States Magistrate Judge is **ADOPTED** in full.

Therefore, this Court hereby **GRANTS** Defendant's Motion to Suppress (Doc. 20), and **ORDERS** that Defendant's seizure on April 9, 2016, as well as all evidence and statements derived from that seizure, be **SUPPRESSED**.

IT IS SO ORDERED:

Date: October 2, 2017

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE